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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,897	10/29/2003	David Wu	BHT-3095-120	4507

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TROXELL LAW OFFICE PLLC  
SUITE 1404  
5205 LEESBURG PIKE  
FALLS CHURCH, VA 22041

EXAMINER
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WALTERS, JOHN DANIEL

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/694,897

Applicant(s)

WU, DAVID

Examiner

John D. Walters

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

Claims 1 - 4 have been examined.

#### ***Specification***

The disclosure is objected to because of the following informalities:

- Section headings should appear in upper case without underlining or bold type.
- The specification states (page 6, lines 19-23) that the control button being moved downwards will engage the lock and the control button being moved upwards will disengage the lock. This is in conflict with the drawings and the understood operation of this device.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- The specification states (page 5, lines 7-8) that the upper main shaft has an upper part coupled to the lower link and an upper end pivoted to the lower end of the coupling frame. This is in conflict with the drawings and the understood operation of this device.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1 states (page 9, line 13) that the upper main shaft is connected to the lower link. This is in conflict with the drawings and the understood operation of this device.
- Claim 3 states (page 12, line 3) that the upper main shaft is connected to the lower link. This is in conflict with the drawings and the understood operation of this device.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (4,657,100) in view of Wu (6,435,539) and further in view of Alter (2,619,360).

Lewis discloses a folding collapsible golf cart comprising:

- a hollow upper main shaft, i.e. an upper support frame section (Fig. 7, item 28);
- a handle (Fig. 1, item 40);
  - which is axially slidably inserted into said upper main shaft (column 3, lines 59-62);
  - which is locked by a lock, i.e. adjusting knob, at said upper main shaft (Fig. 1, item 42);
  - which includes a grip disposed at one end outside said upper main shaft (Fig. 1, item 42);
- an upper bag cradle, i.e. upper cradle, provided at said upper main shaft (Fig. 1, item 34);
- a lower main shaft, i.e. golf bag support frame (Fig. 1, item 22);
  - wherein one end is longitudinally pivotally coupled to one end of said upper main shaft remote from said handle (Fig. 1, at item 30 & column 2, lines 45-49);
  - wherein the opposite end is provided with a front wheel assembly, i.e. supporting wheel (Fig. 1, item 29);
- a wheel axle holding a pair of wheels and rotatable by a motor drive, i.e. drive axle (Fig. 1, item 12);

- a bottom frame, i.e. main horizontal frame (Fig. 1, item 10);
- a lower bag cradle, i.e. lower cradle, provided at said lower main shaft (Fig. 1, item 36);

In regards to the references to “two connecting blocks” in claim 1 (page 8, line 19 and page 10, lines 5-7), Lewis does not specifically include separate structures that act as “connecting blocks”. Lewis does, however, show a portion of his main horizontal frame that provides an attachment means for the drive axle to the main horizontal frame (Fig. 5). This is the same functionality that is provided by the coupling block/bottom frame combination in the applicant’s invention. It would have been obvious to one of ordinary skill in the art at the time of applicant’s invention to provide a one-piece frame in contrast to the frame/coupling block assembly for ease of manufacture and increased rigidity and strength.

However, Lewis does not use a linkage system as the folding mechanism for collapsing his cart. Wu discloses a folding collapsible golf cart wherein the folding mechanism contains:

- a coupling frame, i.e. coupling block (Fig. 2, item 6);
- an upper link (Fig. 2, item 51)
- a lower link (Fig. 2, item 52);
- wherein the upper main shaft has:
  - a lower part coupled to one end of said upper link (Fig. 2)
  - a bottom end pivoted to an upper end of said coupling frame (Fig. 2)
- wherein said links:

- each have one end respectively pivoted to said upper main shaft and lower main shaft (Fig. 2);
- opposite end respectively pivoted to two opposite sides of a locking device (Fig. 5, items 815 and 810 & column 4, line 25-28)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the folding collapsible cart of Lewis with the folding linkage system of Wu to provide for easier and more compact folding of the resulting cart.

However, the combination of Lewis and Wu does not provide a “folding control rod member” to hold the golf bag away from the “bottom frame” area of the cart. Alter discloses a folding collapsible golf cart wherein the folding mechanism contains:

- a folding control rod member, i.e. toggle link (Fig. 1, item 34);
  - one end pivotally connected to a middle part of a coupling frame (Fig. 1, at item 35);
  - opposite end connected to a locking device, i.e. the saddle (Fig. 1, item 35);
  - with a locating device, i.e. lug (Fig. 1, item 56.1);
- a locking device, i.e. the saddle (Fig. 1, item 35).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the folding collapsible cart assembly of Lewis in view of Wu with the “folding control rod” type linkage system of Alter to provide a rigid member to brace

the carried golf bag away from the 'bottom frame" area of the cart while still allowing for the cart to collapse into a tightly folded configuration.

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (4,657,100) in view of Wu (6,435,539) and Alter (2,619,360) and further in view of Bowling (5,966,786). A device created by the combined disclosures do not provide for a latch mechanism similar to that of the applicant. Bowling discloses a latch mechanism comprising:

- a cylindrical member, i.e. stud (Fig. 2, item 22);
  - having a locating groove extended around the periphery, i.e. the necked down portion (Fig. 2, item 54);
- held "fixedly fastened" to the device by a "fastening member", i.e. the shell (Fig. 1, item 14);
- with a control button movable in a sliding slot, i.e. the handle portion (Fig. 2, item 38);
- with a locking plate extending from said control button, i.e. the latch plate (Fig. 2, item 24);
  - moved with said control button between lock and unlock positions (column 1, lines 53-57);
  - having an engagement device adapted to engage the locating groove of said locating device, i.e. narrow portion of slot (Fig. 2, item 50).



It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the foldable golf cart of Lewis in view of Wu and Alter with the locking mechanism as disclosed by Bowling, as the locking mechanism is well suited to this application due to its compact and sturdy nature.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Raguet (4,784,401 A) and Liao et al. (5,857,684 A) disclose additional folding collapsible golf carts.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Walters whose telephone number is (571) 272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John D. Walters  
Examiner  
Art Unit 3618

  
**ALLEN SHRIVER**  
**PATENT EXAMINER**